THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21518 OF 2006

23.10.2006

Between:

Nukala Sailaja Devi, W/o.Narasimha Reddy
And others

… Petitioners

AND

The Revenue Divisional Officer, Nalgonda
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21518 OF 2006

ORDER:

The petitioners herein are the defendants in O.S.No.13 of 2006 on the file of the Court of the I Additional District Judge, Nalgonda. The suit document dated 21.10.2005 was referred to the Revenue Divisional Officer, Nalgonda (RDO), the first respondent herein, by the Court for determination of proper stamp value thereon. By certificate dated 31.8.2006, the first respondent determined the proper stamp duty of Rs.27,500/- and imposed ten-times penalty, which was remitted by the second respondent herein. Accordingly, certificate under Section 40(a) of the Stamp Act, 1884 (Stamp Act, for short) was issued by the first respondent. Aggrieved by the same, the petitioners filed instant writ petition contending that the impugned certificate is contrary to Sections 38 and 40 of the Stamp Act.

Inter alia, it is contended by the learned Counsel for the petitioners that under the suit agreement, the defendants allegedly delivered possession of the suit schedule property and, therefore, the document has to be valued as a sale deed under Article 47-A to Schedule-I of the Stamp Act. Secondly, it is urged that the second respondent is not competent nor he has jurisdiction to impound an improperly/inadequately stamped document, under Section 33 of the Stamp Act. He placed reliance on an unreported judgment of this Court in **G.Ramesh v The Revenue Divisional Officer, Nalgonda**[1], wherein it was held that under the provisions of the Stamp Act and notifications issued by the Government under Section 2(9)(b) and/or Section 76-A of the Stamp Act, RDO is not competent authority to impound inadequately stamped document. The legal position is not denied by the learned Assistant Government Pleader for Revenue (General-T).

Following the decision of this Court in **G.Ramesh** (supra), this writ petition is disposed of. The impugned certificate issued by the RDO is set aside. The matter shall go back to the Court of the I Additional District Judge, Nalgonda, to send the document for

impounding to the District Registrar, Nalgonda, who is a Collector for the purpose of the Stamp Act.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

October 23, 2006
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[1] W.P.No.17945 & 17951 of 2006, dated 13.09.2006